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OFFICE OF HAWAIIAN AFFAIRS
KE'ENA KULEANA HAWAI'I
BENEFICIARY ADVOCACY AND EMPOWERMENT COMMITTEE
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, November 12, 2025
TIME: 9 A.M.
PLACE: Remote Meeting by Interactive Conference Technology
and in-person at OHA Mauli Ola Boardroom - Nā Lama Kukui
560 N. Nimitz Hwy. Honolulu, HI 96817
Viewable at www.oha.org/livestream OR
Listen by phone: (213) 338-8477,
Webinar ID: 846 5959 9101

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

I. Call to Order

II. New Business

A. BAE Action Item #25-08: Approval of Bills for OHA's 2026 Legislative Package (Relating to Commercial Aquarium Collection; Proposing an Amendment to Article XI of the Hawaii State Constitution to Prohibit Live-Fire Military Training on Public Trust Lands; Relating to Rent Stabilization)

B. BAE Action Item #25-09: Administration Request to Support Maui County Bill 9 (2025), Amending Chapters 19.2, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts (HLU-4)

III. Community Concerns and Celebrations

IV. Announcements

V. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Keola Fong at (808) 626-5484 or by email at keolaf@oha.org as soon as possible. Requests made

as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website https://www.oha.org/about/leadership/board-of-trustees/ as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or acting on matters not listed on the meeting agenda.

* The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, no later than three full business days before the meeting. The board packet will also be made available on OHA's website, https://www.oha.org/bae. as soon as practicable thereafter.

§ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Testimony can be provided to the Board of Trustees such as: (1) *written testimony* or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

(1) Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via ***email*** to botmeetings@oha.org or via ***postal mail*** to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting. *Please note that all written testimony will be posted on OHA's meeting website. Please omit or redact any personal information (e.g., name, email address, phone number, home address, or materials) that you do not want to be disclosed publicly online.*

(2) Persons wishing to provide *oral testimony online* during the remote meeting, please click on the link: https://us06web.zoom.us/j/84659599101

To provide oral testimony online, you will need:

(1) a computer or mobile device to connect to the remote meeting,

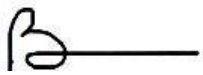
(2) internet access, and

(3) a microphone to provide oral testimony.

Persons wishing to provide *oral testimony at the physical meeting location* can sign up on the day of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline will not be accepted at this time.



Trustee Brickwood Galuteria, Chair Date: 11/5/25
Committee on Beneficiary Advocacy and Empowerment

AGENDA ITEM

II. New Business

A. BAE Action Item #25-08: Approval of Bills for OHA's 2026 Legislative Package (Relating to Commercial Aquarium Collection; Proposing an Amendment to Article XI of the Hawaii State Constitution to Prohibit Live-Fire Military Training on Public Trust Lands; Relating to Rent Stabilization)

ACTION ITEM

Committee on Beneficiary Advocacy and Empowerment
November 12, 2025

BAE #25-08

Action Item Issue: **Approval of Bills for OHA's 2026 Legislative Package**

Co-Prepared by: Leina'ala Ley — 11/6/25
Advocacy Staff & Leinā'ala L. Ley — Date
Ka Pou Kihi Kū (Chief Advocate)

Reviewed by: 11/6/25
K.Sean Kekina — Date
Ka Pou Nui (Chief Operating Officer)

Reviewed by: 11/6/25
Everett Ohta — Date
Ka Paepae Puka (General Counsel)

Reviewed by: 11/6/25
Summer Lee Haunani Sylva — Date
Ka Pouhana Kūikawā (Interim Chief Executive Officer)

Reviewed by: 11/6/25
Brickwood Galuteria — Date
(Chairperson, Committee on Beneficiary Advocacy and Empowerment)

I. PROPOSED ACTION: Approval of Bills for OHA's 2026 Legislative Package:

Motion 1: **RELATING TO COMMERCIAL AQUARIUM COLLECTION**
Approve as part of the 2026 OHA Legislative Package, the proposed measure "Relating to Commercial Aquarium Collection" to amend Hawai'i Revised Statutes (HRS) Chapters 188 and 189 to ban commercial aquarium extraction and collection activities, as provided in Attachment A.

Motion 2: **PROPOSING AN AMENDMENT TO ARTICLE XI OF THE HAWAII STATE CONSTITUTION TO PROHIBIT LIVE-FIRE MILITARY TRAINING ON PUBLIC TRUST LANDS**
Approve as part of the 2026 OHA Legislative Package, the measure "Proposing an Amendment to Article XI of the Hawai'i state Constitution to Prohibit Live-Fire Military Training on Public Trust Lands," as provided in Attachment B.

Motion 3: **RELATING TO RENT STABILIZATION**
Approve as part of the 2026 OHA Legislative Package, the proposed measure "Relating to Rent Stabilization" to amend Hawai'i Revised Statutes (HRS) Chapter 521 to establish a statewide limit on annual rent increases, as provided in Attachment C.

Motion 4: NON-SUBSTANTIVE AMENDEMENT AUTHORITY
Approve administration to make appropriate technical, ministerial, strategic or other non-substantive amendments to all approved 2026 Legislative Package bills as necessary for style, clarity, consistency, and accuracy for final submission to the legislature. This includes preamble language for faming and editorial purposes as needed, titles of measures for strategic and clarifying reason, and labeling of the bills for tracking.

II. ISSUE

Whether or not the Committee on Beneficiary Empowerment and Advocacy (BAE) should approve the attached proposed bills (i) Relating to Commercial Aquarium Collection, (ii) "Proposing an Amendment to Article XI of the Hawai'i State Constitution to Prohibit Live-Fire Training on Public Trust Lands," and (iii) Relating to Rent Stabilization, as drafted in Attachments A-C.

III. BACKGROUND & DISCUSSION

This action item presents three additional proposed bills to be included in OHA's 2026 Legislative Package. On October 29, 2025, the BAE approved three bills for inclusion in OHA's 2026 Legislative Package: (i) Relating to the Island Burial Councils; (ii) Relating to Historic Preservation, and (iii) Relating to the Land Use Commission.

The three bills presented in this Action Item would be in addition to the three bills approved on October 29, 2025, and, if approved, will bring OHA's 2026 Legislative Package to six total bills.

A. Relating to Commercial Aquarium Collection (Attachment A)

The state's commercial aquarium trade in native reef species has raised community concern and inspired committed grassroots advocacy to protect reef ecosystems for decades. In 2012, a coalition of Native Hawaiian lawai'a (fishers) from West Hawai'i and other concerned ocean users sued to enjoin commercial aquarium collection in state waters because there had never been any effort to determine the effect of commercial aquarium harvest on Hawai'i's reef ecosystems. In 2017 the Supreme Court agreed that in the absence of environmental review continued aquarium collection was illegal; aquarium collection stopped in the West Hawai'i Regional Fishery Management Area (WHRFMA) by 2019,[1] and statewide in 2021. Therefore, there has not been any aquarium collection in the state for over four years.

Recently, the Department of Land and natural Resources Division of Aquatic Resources (DAR) proposed rules to reopen commercial aquarium collection in the WHRFMA based on completion of a Revised Final Environmental Impact Statement (RFEIS) in 2023,[2] and to allow for other areas in the State to be reopened to aquarium collection after completing environmental review. The WHRFMA is significant because as of 2017, prior to closure of the aquarium fishery, approximately 45% of the aquarium fish caught in the State and nearly 67% of value came from the WHRFMA.[3]

OHA's BAE Committee received community testimony in opposition to DAR's proposal at its meeting on October 15, 2025. Subsequently, OHA submitted testimony to the BLNR opposing the DAR proposal, consistent with past OHA advocacy supporting community efforts to ban aquarium collection through rulemaking. On October 24, the BLNR received over five hours of community testimony on the proposal (Agenda Item F-2), overwhelmingly in opposition. Nonetheless, the BLNR voted to send the rules out for public notice and comment, moving one step closer to reopening state waters to commercial aquarium extraction.

The proposed bill would permanently prohibit harvest and extraction of Hawai'i's nearshore marine life for commercial sale as aquarium pets and for

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[1] WHRFMA extends along the west coast of Hawai'i, from Ka Lae, Ka'u (South Point) to Upolu Point, North Kohala, excluding Kawaihae commercial harbor. *See* HRS § 188F-2.

[2] Three Board of Land and Natural Resources (BLNR) members voted to approve the 2023 FEIS and three voted to reject it. Therefore, the RFEIS was deemed approved by operation of law due since no action was taken within the 30-day approval period. *See* HRS § 343-5(e).

[3] Pet Industry Joint Advisory Council, Revised Final Environmental Impact Statement Issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the West Hawai'i Regional Fishery Management Area at p.2 (May 26, 2021) ("RFEIS"), *available at* https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2021-06-08-HA-Revised-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf.

ornamental aquarium display anywhere in the State. The proposed ban is consistent with OHA's existing duties to advance Native Hawaiian traditional and customary rights under Article XII, section 7 of the Hawai'i State Constitution and BOT Policy 2010,[4] as aquarium collection has been associated with the decline of targeted fish species, including those that have significance to Native Hawaiians. As acknowledged in RFEIS, total fish biomass decreased by 45% in the WHRFMA between 2008 and 2018, before commercial aquarium collection was halted by court order.[5]

Of the eight fish that would be subject to harvest in the WHRFMA under DAR's proposed rules, four have the following known cultural significance:

- Yellow Tang (Lā'ī pala, lau'ī pala):
  - Considered a delicacy; used in healing rituals
- Orangespine Unicorn Fish aka Clown Tang (umaumalei, aka kala umaumalei; land plant counterpart 'ūlei)
  - Considered a Hawaiian delicacy; skin used to cover pūniu thigh drum for hula; kapu during spawning season
- Kole aka Kole Makaonaona (Goldring surgeonfish; yelloweye)
  - Popular to eat, especially raw; important for traditional practices & customs relating to the home, believed to hole or strip the house of unwanted spiritual energy
- Brown Surgeonfish aka Lavender Forktail Tang (Mā'i'i'i, Mā'i'i)
  - Name Mā'i'i'i also applied to a kalo variety; a good eating fish

Other fishes that were historically targeted for aquarium collection—and may be targeted in areas outside of the WHRFMA after environmental review and rulemaking—hold similar cultural and subsistence value as those highlighted above.

Economically, the commercial aquarium trade provides little benefit to the State of Hawai'i. As acknowledged by industry advocates in the 2023 RFEIS, the aquarium trade in WHRFMA generates between $499,416 to $2,022,686 of income per year within the state (as 67% of statewide industry activity), and up to five times as much in indirect benefits.[6] In contrast, on-reef tourism activities which depend on vibrant and healthy ecosystems, such as snorkeling and diving, generate between $442,100,000 and $478,891,356 annually in indirect and direct economic benefits.[7]

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[4] Section 2.1.b of the OHA Executive Policy Manual states: "OHA shall advocate for Native Hawaiian rights and entitlements including . . . [t]he protection of and access to natural resources that are an important part of the culture and lifestyle of Native Hawaiians."

[5] RFEIS at p. 158.

[6] RFEIS at p. 102.

[7] Schar, Siena I. & Cox, Linda J., THE FUTURE FOR HAWAI'I'S MARINE AQUARIUM FISHERY: A COST BENEFIT ANALYSIS COMPARED TO AN ENVIRONMENTAL IMPACT ASSESSMENT,

Based on the strong cultural and environmental interests, as articulated repeatedly by beneficiaries across the pae ʻāina demanding action to end commercial aquarium extraction, staff recommends adoption of the proposed amendments to HRS Title 12, Conservation and Resources, Subtitle V, Aquatic Resources and Wildlife to effectuate a ban on commercial aquarium collection, as provided in Attachment A:

(i) Adding a new subsection in chapter 188 prohibiting harvest of aquatic life for commercial aquarium purposes;

(ii) Adding a new definition in HRS section 187A-2, "Definitions," for "commercial aquarium purposes"; and

(iii) Deleting existing statutory subsections related to regulation of commercial aquarium harvest of aquatic life.

B. Proposing an Amendment to Article XI of the Hawai‘i State Constitution to Prohibit Live-Fire Training on Public Trust Lands (Attachment B)

Mākua Valley, Kahuku and Kawailoa-Poamoho on Oʻahu, Pōhakuloa on Hawaiʻi Island, and Waimea/Kekaha on Kauaʻi (including nearby Kaʻula Island) are wahi pana—storied places—containing irreplaceable Native Hawaiian cultural sites and fragile ecosystems home to endangered species. Each is subject to a 65-year lease with the various branches of the United States military that is set to expire between 2027-2030, presenting a once in a generation opportunity for Native Hawaiians to reestablish connection with lands that were confiscated without input by the Native Hawaiian community, including former crown and government land of the Hawaiian Kingdom. However, following the Board of Land and Natural Resource's historic May 2025 decision to reject the Army's Final Environmental Impact Statement for Pōhakuloa, the Army has embarked on an accelerated campaign to finalize lease renewal details, largely outside of the public eye.

Key events over the past few months include the following:

- May 2025: BLNR rejects Army's FEIS for Pōhakuloa; the FEIS proposes to retain 100% of the 23,000 currently leased, less 250 acres to be returned to Department of Hawaiian Homelands.
- June 2025: BLNR rejects Army's FEIS for Oʻahu Training Areas; the FEIS proposes to return land at Mākua Valley, Kawailoa-Poamoho and one of two parcels at Kahuku to the State of Hawaiʻi.
- August 20: Army Secretary Dan Driscoll sends Governor Josh Green a letter requesting to come to a "mutually acceptable framework" regarding lease renewals by the end of 2025.
- August 22: Governor Green responds to Secretary Driscoll in a letter proposing land exchanges and raises the threat of condemnation in public comments: "Federal leaders have stated there are national security considerations at stake and they've made clear they

MARINE POLICY 127 at p. 3 (2021).

could act through eminent domain, which would take the land without giving Hawai‘i anything in return. We in Hawai‘i know the best path is always through collaboration which acknowledges our values."

- September 2: Over forty Native Hawaiian organizations gather on the steps of ‘Iolani Palace to demand Governor Green: (1) include Native Hawaiian community representation in decision-making; (2) vigorously pursue the clean-up and return of all lands under lease to the United States military; (3) seek compensation and restitution for harms; (4) follow environmental review and other applicable laws; and (5) commit to transparency and consent during the negotiation process.
- September 29: Governor Green and Secretary Driscoll announce that the State of Hawai‘i and the U.S. Army have established a non-binding Statement of Principles on land use and areas of mutual benefit to the people of Hawai‘i reflecting a "shared understanding" of how the Army can continue its use of state lands in Hawai‘i.
- October 15: Coalition leaders urge OHA to assert itself as the representative of the Hawaiian community in lease negotiations between the state and federal government consistent with the principles articulated on September 2 at ‘Iolani Palace.
- October 31: The Association of Hawaiian Civic Clubs adopts a resolution to amend the Hawai‘i Constitution to prohibit live fire training consistent with the proposal in Attachment B.
- November 4: Governor Green proposes a $10 billion investment package as a potential settlement of any further condemnation lawsuit against the state for title to the currently leased lands, or to guide a negotiated agreement on lease renewal. Governor Green proposes to compose a negotiating team to finalize details within 10 days.

This proposed constitutional amendment gives the people of Hawai‘i the opportunity to protect public land from further harm through a question on the 2026 ballot asking:

> "Shall the Constitution of the State of Hawai‘i be amended to provide that no live-fire military training shall be conducted on public trust lands as defined in Article XII, section 4?"

Because Hawai‘i does not have citizen-initiated ballot process, the only way to place the live fire issue before the electorate is by first passing a bill through a supermajority of the Hawai‘i State Legislature. Specifically, for a constitutional amendment to pass out of the legislature, it must receive a two-thirds majority vote in both chambers. When placed on the ballot, the amendment must meet two qualifications: (1) the "yes" votes must receive a majority of votes tallied (excluding blank and over (double) votes); and (2) the "yes" votes must receive at least 50% of the total votes cast (including blank and over votes). This means if too many people leave their ballot blank due to lack of understanding of the proposal or for other reasons, the measure will not pass.

Staff recommend that to allow the general electorate to vote on the continuation of live fire training, Attachment B be approved as part of OHA's 2026 Legislative Package. There is an unknown fiscal impact which depends on how much money OHA decided to dedicate to educating voters to vote "yes" on this measure, if passed out of the legislature. There is currently $20,000 in the Advocacy budget (6500) for voter engagement and registration which could

provide seed funding for this educational initiative, but is likely not sufficient to meet statewide voter education needs and goals to successfully secure a "yes" vote on the proposed constitutional amendment.

C. Relating to Rent Stabilization (Attachment C)

This proposed measure responds to Hawai'i's ongoing rental housing crisis, where median rents in Hawai'i increased by roughly 80 percent between 2019 and 2023, with the median statewide rent for all units rising from approximately $1,650 to $3,000.[8] Over the same period, the hourly wage needed to afford a two-bedroom unit grew from $32.21 to $41.83, underscoring the widening gap between housing costs and household income and contributing to housing instability and out-migration among local and Native Hawaiian families.[9] As stated in a study published by the Economic Research Organization at the University of Hawai'i (UHERO) in 2024: "The consequences of unaffordable housing continue to show up in out-migration, homelessness, and more families being priced out of the local market."[10] For example, in 2022, more than 67,000 former Hawai'i residents moved to other states, with the high-cost of housing identified in surveys as a leading cause of out-migration.[11]

In order to address the housing affordability crisis, this proposed bill establishes a 3% annual rent increase cap, modeled after successful rent stabilization frameworks adopted in California (AB 1482; SB 567, 2019–2023), Oregon (SB 608, 2019; SB 611, 2023), and Washington (HB 1217, enacted 2025), but calibrated to Hawai'i's unique housing market and cost of living. The 3% annual rent increase cap aligns with state worker cost-of-living adjustments (COLA), which have historically ranged from 2.5–3.5% annually. California's cap (5% + CPI, max 10%) was adopted when median rent-to-income ratios were roughly 32% statewide, significantly lower than Hawai'i's 43–45% ratio today.[12] Oregon's 7% + CPI model and Washington's 7% or 10% ceiling were designed for states with lower baseline rents, higher vacancy rates, and greater housing supply elasticity than Hawai'i. Thus, the current proposal is in line with successful rental

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[8] Hawai'i Housing Finance & Development Corporation, *2024 Hawai'i Housing Planning Study (HHPS) with Addendum 2025)* available at p. 110 and 111, https://dbedt.hawaii.gov/hhfdc/files/2025/10/2024-HHPS-with-Addendum.pdf.

[9] *Id.* at 111.

[10] Daniela Bond-Smith, Rachel Inafuku & Justin Tyndall, *The Hawai'i Housing Factbook 2024*, University of Hawai'i Economic Research Organization (May 20, 2024), at p. 1, available at https://uhero.hawaii.edu/wp-content/uploads/2024/05/HawaiiHousingFactbook2024.pdf

[11] Daniela Bond-Smith, Rachel Inafuku & Justin Tyndall, *The Hawai'i Housing Factbook 2024*, University of Hawai'i Economic Research Organization (May 20, 2024), at p. 7, available at https://uhero.hawaii.edu/wp-content/uploads/2024/05/HawaiiHousingFactbook2024.pdf

[12] U.S. Census Bureau. (n.d.). Selected population profile in the United States. American Community Survey, ACS 1-Year Estimates Selected Population Profiles, Table S0201. Retrieved November 3, 2025, https://data.census.gov/table/ACSSPP1Y2024.S0201?t=001:062:3925&g=040XX00US15,15$0500.

cap programs piloted elsewhere in the United States.

Native Hawaiians are particularly vulnerable to abrupt shifts in the rental market. According to the U.S. Census Bureau, 41.6% of Native Hawaiian households in Hawai‘i rent their homes, compared to 38.4% of the total state population.[13] Further, 52.5% of Native Hawaiian renter households spend more than 30% of income on housing, meeting the federal definition of "cost-burdened."[14] Median household income for Native Hawaiians ($99,302) lags slightly behind the state average of $100,745, with a more pronounced gap in family income ($110,199 vs. $119,933) and female individual earnings ($51,999 vs. $55,191).[15] These income disparities compound rental instability and displacement risk.

To protect local homeowners who may need additional income to meet property tax and costs of living increases, the measure does not apply to:

- Subsidized or regulated affordable housing already under separate restrictions;
- Owner-occupied parcels renting no more than two dwelling units or bedrooms, reflecting the reality that many families rent ohana units to offset mortgage and tax burdens; and
- Owner-occupied kuleana parcels.

Working to address the affordable housing crisis supports OHA's Mana i Mauli Ola Strategic Outcome 5.1,[16] and is consistent with the results of a recent legislative priorities survey completed by over 600 beneficiaries which identified housing affordability, access, and stability as one of three priority issues areas where OHA should focus its advocacy work. Accordingly, staff recommend that the BOT adopt the proposed bill amending HRS Chapter 521 to set a cap on annual rent increases, as proposed in Attachment C.

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[13] U.S. Census Bureau. (n.d.). Selected population profile in the United States. American Community Survey, ACS 1-Year Estimates Selected Population Profiles, Table S0201. Retrieved November 3, 2025, https://data.census.gov/table/ACSSPP1Y2024.S0201?t=001:062:3925&g=040XX00US15,15$0500.

[14] U.S. Dept of Housing & Urban Development, *CHAS: Background*, HUD USER, https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

[15] U.S. Census Bureau. (n.d.). Selected population profile in the United States. American Community Survey, ACS 1-Year Estimates Selected Population Profiles, Table S0201. Retrieved November 3, 2025, https://data.census.gov/table/ACSSPP1Y2024.S0201?t=001:062:3925&g=040XX00US15,15$0500.

[16] Office of Hawaiian Affairs, *Mana i Mauli Ola Strategic Plan: Quality Housing – Strategic Outcome 5.1*, https://www.oha.org/about/mana-to-mauli-ola/

IV. TIMEFRAME

Immediate action is necessary for continued discussion and development for potential inclusion in OHA's 2026 legislative package.

V. RECOMMENDATION

(1) Adopt Attachments A-C as part of OHA's 2026 legislative package for the reasons stated above; and

(2) Approve the administration to make non-substantive amendments to the bills approved for inclusion in OHA's 2026 Legislative package inclusive of the bills on the October 29 and November 12 agendas.

VI. ALTERNATIVES

A. Amend the proposed bills.

B. Take no action.

C. Defer decisionmaking until a later date.

VII. ATTACHMENTS

A. Relating to Commercial Aquarium Collection

B. Proposing an Amendment to Article XI of the Hawai‘i State Constitution to Prohibit Live-Fire Training on Public Trust Lands

C. Relating to Rent Stabilization

Attachment A

REVISED:
1ST DRAFT DATE:

__.B. NO._____

A BILL FOR AN ACT

RELATING TO COMMERCIAL AQUARIUM COLLECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the capture and sale of Hawaii's native reef wildlife for ornamental display and commercial profit is unsustainable and contrary to Hawaiian values such as mālama ʻāina, aloha ʻāina, kuleana for the surrounding environment, and pono fishing practices, such as taking only what is needed for family or community subsistence.

The legislature further finds that the 1953 territorial legislature, in enacting legislation to permit commercial aquarium fish collection using fine-meshed nets, now codified at Hawaii Revised Statutes §188-31, ignored, disregarded, and effectively nullified the many traditional uses of Hawaiian reef fish by falsely stating that fishes taken for aquarium display have "little or no value as food fish," and that "the species of fish for aquarium purposes is not edible."

The legislature finds that many species of fish targeted by aquarium collection, such as lauʻīpala (yellow tang) and kole (goldring surgeonfish), have in fact been used for subsistence

and cultural purposes and have been critical to maintaining healthy reef ecosystems to support these purposes since time immemorial, up to and including present times.

The legislature finds that climate change and associated ecological shifts demand that we keep as many native fish on the reef as possible. Abundant populations of herbivorous reef wildlife can bolster reef resiliency against the effects of climate change by consuming algae that blooms and can smother reefs following ocean heat waves or changes in ocean acidity. Reefs provide vital ecosystem services, reducing the impact of extreme weather events and high surf by moderating on shore erosion, damage to human infrastructure, and harm to flora and fauna. Moreover, on-reef tourism activities such as snorkeling and diving are a vital part of Hawai‘i’s nature-based tourism economy which is driven by healthy and vibrant ecosystems.

The legislature recognizes that in 1988 the State prohibited the taking of sand, dead coral or coral rubble, rocks, soil, and other marine deposits. Extending prohibitions to encompass the commercial collection and sale of reef wildlife for the aquarium pet trade is now needed to protect and conserve natural resources for present and future generations, including traditional Native Hawaiian cultural practices that depend upon

these natural resources. The legislature further recognizes that these obligations and protections are enshrined in the state constitution, specifically in article XI, section 1 "Conservation and Development of Resources," article XI, section 9 "Environmental Rights," and article XII, section 7 "Traditional and Customary Rights."

The purpose of this Act is to prohibit the capture and sale of aquatic life for commercial aquarium purposes, regardless of the method of collection. This Act will not affect:

1) Captive-breeding and aquaculture activities, as regulated by section 187A-3.5, Hawaii Revised Statutes; or

2) Issuance of special activity permits pursuant to section 187A-6, Hawaii Revised Statutes, which allow capture and take of aquatic life for scientific, educational, management, or propagation purposes.

The legislature affirms that nothing in this Act shall be construed to prohibit the exercise of traditional and customary practices, the lawful taking of fish for consumption or bait, or the lawful management or taking of aquatic life from fishponds.

SECTION 2. Section 187A-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Commercial aquarium purpose" means the taking of marine life for profit or gain or as a means of livelihood for purpose of sale into the aquarium trade to be held in a state of captivity as a pet or for ornamental display.

SECTION 3. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

§188- **Harvesting aquatic life for commercial aquarium purposes; prohibition.** (a) No person shall harvest aquatic life from state marine waters for commercial aquarium purposes.

SECTION 4. Section 188-31, Hawaii Revised Statutes, is repealed.

[~~§188-31 Permits to take aquatic life for aquarium purposes.~~ ~~(a) Except as prohibited by law, the department, upon receipt of a written application, may issue an aquarium fish permit, not longer than one year in duration, to use fine meshed traps, or fine meshed nets other than throw nets, for the taking of marine or freshwater nongame fish and other aquatic life for aquarium purposes.~~

~~(b) Except as prohibited by law, the permits shall be issued only to persons who can satisfy the department that they possess facilities to and can maintain fish and other aquatic life alive and in reasonable health.~~

~~(c) It shall be illegal to sell or offer for sale any fish and other aquatic life taken under an aquarium fish permit unless those fish and other aquatic life are sold alive for aquarium purposes.~~

~~The department may adopt rules pursuant to chapter 91 for the purpose of this section.~~

~~(d) For the purposes of this section:~~

~~(1) "Aquarium purposes" means to hold salt water fish, freshwater nongame fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes; and~~

~~(2) "Aquarium fish permit" means a permit issued by the board for the use of fine mesh nets and traps to take salt water fish, freshwater nongame fish, or other aquatic life for aquarium purposes.~~]

SECTION 5. Section 188-31.5, Hawaii Revised Statutes, is repealed.

[~~**§188-31.5 Aquarium fish for export, monthly count.** The department of land and natural resources shall adopt rules in accordance with chapter 91 to monitor the aquarium fish catch report and fish dealer's report for export of aquarium fish taken from the waters of the State for aquarium purposes pursuant to section 188-31. A monthly count of the quantities taken of each individual species of aquarium fish exported shall be reported to the board.~~]

SECTION 6. Section 189-11, Hawaii Revised Statutes, is amended to read as follows:

"**§189-11 Receipts in duplicate.** Every commercial marine dealer shall issue receipts to the person from whom marine life is obtained and shall provide the following information in the receipt:

(1) The date of the issuance;

(2) The name of the person to whom the receipt is issued;

(3) The following information with respect to each of the varieties of marine life as the department shall require including:

(A) The weight in pounds of each of the varieties received;

(B) The numbers of marine life when they average a pound or more; and

(C) The price per pound paid; and

[~~(D) With regard to aquarium fish, regardless of weight, the number and species of the fishes; and~~]

(4) The signature of the dealer who issues the receipt.

Any dealer taking the dealer's own marine life or handling any marine life taken by commercial marine licensees working for or with the dealer, shall make out the same receipt, giving market price for the marine life as prevails on the date of receipt. A duplicate copy of this receipt shall be kept on file at the premise where the marine life was sold by the dealer issuing the same for a period of twelve months from the date of issuance, and the duplicate copy shall be available for inspection upon the demand of any conservation officer authorized to enforce the laws of the State."

SECTION 7. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the

invalid provision or application, and to end the provisions of this Act are severable.

SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

INTRODUCED BY: _____

BY REQUEST

__.B. NO._____

Report Title:
Fishing Regulations; Commercial Aquarium Collection; Prohibition

Description:
This bill amends sections 187A, 188, and 189, to ban the harvest of aquatic life from state marine waters for commercial aquarium purposes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Attachment B

REVISED:
1ST DRAFT DATE:

__.B. NO._____

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XI OF THE HAWAII STATE CONSTITUTION TO PROHIBIT LIVE-FIRE TRAINING ON PUBLIC TRUST LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the lands at Mākua Valley, Kawailoa-Poamoho, Kahuku, Pōhakuloa, and Waimea, currently subject to leases with the United States military that are set to expire between 2027 and 2030, include former crown and government lands of the Hawaiian Kingdom that must be held in trust by the State of Hawai‘i "for the benefit of Native Hawaiians and the general public." Under the Hawai‘i State Constitution, Article XI, section 1 and Article XII, section 4, the State has the highest fiduciary duty to preserve and maintain public trust lands, which includes the kuleana to mālama ‘āina and to protect natural and cultural resources for present and future generations.

The legislature further finds that military use of public trust lands for live-fire training is inconsistent with the State's constitutional trust duties. "Live-fire military training" means the use of real, fully functioning weapons systems loaded with actual ammunition—including bullets, shells,

rockets, bombs, explosives, and other ordnance—rather than blanks, simulators, or "dry fire" exercises, and encompasses small arms, crew-served weapons, artillery, demolitions, air-to-ground bombing, naval surface fire, and combined arms live-fire exercises, all of which involve combat-realistic use of live munitions that have the potential to ignite wildfires, contaminate soil and water, scatter unexploded ordnance, destroy cultural and natural resources, and desecrate the ʻāina.

The legislature further finds that live-fire military training activities at Pōhakuloa, Mākua Valley and across the State have caused repeated wildfires, contamination, habitat destruction, and desecration of sacred cultural sites and iwi kupuna. Although the Hawai‘i Supreme Court in *Ching v. Case* ruled that the State of Hawai‘i breached its constitutional duties by failing to reasonably monitor and inspect public trust lands that it had leased to the U.S. military, inspections of the Army's lease area at Pōhakuloa remain limited, covering only a fraction of the 23,000 acres under lease, while unexploded ordnance, shell casings, and degraded lands persist across the training area. Similarly, lands at Mākua Valley, Kahuku and Poamoho, although proposed for return to the State of Hawai‘i upon expiration of the current lease in 2029, remain highly

contaminated, as do current and former military lands from Kahoʻolawe to Waikane to Kaʻula Island.

The legislature finds that due to the costs of clean up and technological barriers to complete remediation, many of these former bomb sites may never again be fully accessible to the public land trust beneficiaries for cultural, recreational, educational, or subsistence access and use, or for productive economic use by the State of Hawaiʻi or any future native Hawaiian governing entity that may seek to pursue the unrelinquished claims of Native Hawaiians to the former crown and government lands of the Hawaiian Kingdom, even after the lands are returned by the United States military.

Accordingly, the purpose of this Act is to propose an amendment to article XI of the Constitution of the State of Hawai‘i to prohibit live-fire training on public trust lands.

SECTION 2. Article XI of the Constitution of the State of Hawai‘i is amended by adding a new section to be appropriately designated and to read as follows:

LIVE-FIRE MILITART TRAINING

Section __. No live-fire military training shall be conducted on the public trust lands identified in Article XII, section 4.

Section 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawai‘i be amended to provide that no live-fire military training shall be conducted on public trust lands?"

Section 4. New constitutional material is underscored.

Section 5. This amendment shall take effect upon compliance with Article XVII, section 3, of the Constitution of the State of Hawai‘i.

INTRODUCED BY: _____

BY REQUEST

__.B. NO._____

Report Title:
Constitutional Amendment; Live-Fire Training; Public Trust Lands

Description:
Proposes a constitutional amendment to prohibit the use of live-fire training on Public Trust Lands.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Attachment C

REVISED:
1ST DRAFT DATE:

__.B. NO._____

A BILL FOR AN ACT

RELATING TO RENT STABILIZATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that:

(1) Residential rental housing constitutes a significant portion of the State's housing stock, and rental households include a substantial number of families with children, kūpuna, persons with disabilities, and essential workers;

(2) According to the Department of Business, Economic Development, and Tourism, median rents in Hawai'i increased by over forty per cent between 2019 and 2024, while median household income rose by less than twenty per cent during the same period;

(3) The United States Census Bureau (American Community Survey, 2024) reports that over forty per cent of Native Hawaiian households rent their homes and that more than half of these households spend thirty per cent or more of their income on rent, meeting the federal definition of cost-burdened;

(4) Rent increases that significantly exceed wage growth contribute to housing insecurity, migration of working families to the continental United States, and increased homelessness, particularly on O‘ahu, Maui, and Hawai‘i island where vacancy rates remain below three per cent;

(5) Reasonable limitations on annual rent increases are consistent with the State’s housing policy objectives under chapter 201H, Hawaii Revised Statutes, which seek to ensure affordable and stable housing for all residents while maintaining a healthy rental market;

(6) Other jurisdictions have successfully implemented rent stabilization frameworks, including California (Assembly Bill 1482; Senate Bill 567), Oregon (Senate Bills 608 and 611), and Washington (House Bill 1217), which cap annual rent increases between five and ten per cent. These laws demonstrate that such policies can coexist with continued investment in new housing supply;

(7) Given Hawai‘i’s limited land availability, high construction costs, and geographic constraints, a more conservative three per cent annual cap is warranted to

stabilize the rental market while allowing landlords to recoup reasonable costs; and

(8) Establishing a statewide standard for rent stabilization within the landlord-tenant framework of chapter 521 will provide clarity for both tenants and landlords and can be implemented without undue administrative burden.

SECTION 2. The purpose of this Act is to amend the landlord-tenant code to establish a reasonable statewide limit on annual rent increases to promote housing stability and prevent price shocks that contribute to displacement and homelessness. The legislature finds that Hawai‘i continues to face a severe housing shortage, and that rapidly rising rents have outpaced wage growth for residents. Rent stabilization is a recognized tool for reducing involuntary displacement and allowing moderate- and low-income households to remain in their communities without discouraging responsible property ownership or maintenance.

SECTION 3. Chapter 521, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**§521- . Annual limitation on rent increases.** (a) No landlord shall increase the rent for any dwelling unit by more than three per cent in any twelve-month period.

(b) A landlord shall not impose any rent increase during the first twelve months immediately following the commencement of a tenancy.

(c) Any rent increase in violation of this section shall be void and unenforceable. A tenant may assert a violation of this section as a defense to any action for summary possession or other proceeding under this chapter.

(d) This section shall not apply to:

(1) The initial rental rate of a new tenancy, provided that the tenant was not a tenant in the same dwelling unit within the preceding twelve months;

(2) Dwelling units that are subject to rent restrictions pursuant to federal, state, or county affordable housing or subsidy programs, provided that such restrictions are equal to or more protective of the tenant;

(3) A dwelling unit located on the same parcel as an owner-occupied principal residence, where the owner is a natural person and rents no more than two

dwelling units or bedrooms on that parcel; or

(4) Rentals located on a kuleana parcel, as evidenced by record title, when the parcel includes the owner's principal residence.

(e) Any landlord claiming an exemption under subsection(d) shall provide written notice of the exemption to both the tenant and the department of commerce and consumer affairs, office of consumer protection, on a form prescribed by the department. The notice shall identify the specific exemption claimed and include documentation supporting eligibility. Failure to provide this notice shall render the exemption void and subject the landlord to this section.

(f) Any landlord who knowingly demands or retains rent in excess of the amount permitted under this section or falsely claims an exemption under subsection (d) shall be deemed to have committed an unfair or deceptive act or practice under section 480-2.

(g) Any notice of rent increase issued pursuant to this section shall be in writing and shall state the amount of the existing rent, the amount of the proposed rent, the percentage increase, and the effective date of the increase."

SECTION 4. This Act shall take effect on July 1, 2026.

__.B. NO._____

INTRODUCED BY: _____

BY REQUEST

__.B. NO._____

Report Title: Landlord-Tenant Code; Rent Stabilization; Consumer Protection

[**Click** here and type **Report Title** *(1 line limit)*]

Description: Establishes a statewide three per cent annual limit on rent increases under chapter 521, Hawaii Revised Statutes. Prohibits rent increases during the first twelve months of a tenancy and requires notice and certification for exempt properties.
[**Click** here and type **Description** *(5 line limit)*]

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

AGENDA ITEM

II. New Business

B. BAE Action Item #25-09: Administration Request to Support Maui County Bill 9 (2025), Amending Chapters 19.2, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts (HLU-4)

ACTION ITEM

Committee on Beneficiary Advocacy and Empowerment
November 12, 2025

BAE #25-09

Action Item Issue: **Administration Request to Support Maui County Bill 9 (2025), Amending Chapters 19.2, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts (HLU-4)**

Co-Prepared by: Leinaala Ley 11/6/25

Leināʻala L. Ley — Date
Ka Pou Kihi Kū (Chief Advocate)

Co-Prepared by: 11/6/25

K.Sean Kekina — Date
Ka Pou Nui (Chief Operating Officer)

Reviewed by: 11/6/25

Everett Ohta — Date
Ka Paepae Puka (General Counsel)

Reviewed by: 11/6/25

Summer Lee Haunani Sylva — Date
Ka Pouhana Kūikawā (Interim Chief Executive Officer)

Reviewed by: 11/6/25

Brickwood Galuteria — Date
(Chairperson, Committee on Beneficiary Advocacy and Empowerment)

I. PROPOSED ACTION

Approve OHA's position supporting Maui County Bill 9 (2025), with comments, urging passage in its current form without further carve-outs or exemptions, as provided in Attachment A.

Motion 1: RELATING TO MAUI COUNTY BILL 9 (2025)
Move to approve OHA's support, with comments, for Maui County Bill 9 (2025) and authorize the Ka Pou Kihi Kū to submit testimony urging passage of the bill without exemptions.

II. ISSUE

Whether the Board of Trustees should approve Advocacy's submission of written testimony supporting Maui County Bill 9 (2025) (Attachment A), which phases out transient vacation rental (TVR) use in Apartment Districts to restore these zones to long-term residential purposes.

III. BACKGROUND & DISCUSSION

A. Relating to Procedural History

Maui County Bill 9 (2025),[1] amending Chapters 19.02, 19.32, and 19.37 of the Maui County Code, was introduced on January 17, 2025, upon request of Mayor Richard T. Bissen, Jr. The bill was referred to the Housing and Land Use Committee (HLU) for review. Bill 9's stated purpose is to restore Apartment-zoned lands to long-term residential use by eliminating legacy exemptions that currently allow transient vacation rentals (TVRs) to operate in buildings constructed or approved before 1989, thereby reducing the stock of units available for long-term, local residential rental use.

On July 24, 2025, following extensive community input, the HLU Committee voted 6-3 to recommend passage of Bill 9 on first reading. Supporters cited the need to return housing to residents and address displacement following the 2023 Lahaina wildfires; opponents raised concerns about economic impacts to themselves and the County. To further analyze these competing perspectives, the Council adopted Resolution 25-105 on August 20, 2025, establishing a Temporary Investigative Group (TIG) to evaluate the social, economic, and legal implications of phasing out TVR use in Apartment Districts. The TIG convened seven meetings with participation from county staff, real estate representatives, and community organizations, and issued its final report on October 14, 2025.[2]

In its final report, the TIG recognized that restoring units in Apartment District to residential use could help address Maui's housing shortage, particularly for wildfire-displaced families in West Maui where limited water availability constrains new

[1] The County of Maui. *BILL 9 (2025), AMENDING CHAPTERS 19.12, 19.32, AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS (HLU-4).* January 7, 2025. The County of Maui - File #: HLU-4 Bill 9 (2025)

[2] Nohelani U'u-Hodgins, Chair, Bill 9 Temporary Investigative Group. *Temporary Investigative Group on Transient Vacation Rentals in Apartment Districts Final Report (HLU-4(1)) (PAF 25-226).* October 14, 2025. HLU-4(1) - Correspondence from Bill 9 TIG Chair 10-14-2025

development. However, the TIG recognized that both local and out-of-state investors may purchase phased-out TVR properties placed on the market, thereby reducing the benefits of the phase out for families seeking affordable rental units. To mitigiate the potential for speculatory investment, the TIG proposed mitigation measures such as an empty-homes tax or preferential programs to encourage full-time local occupancy.

The TIG also acknowledged that while eonomic effects are uncertain, a phase-out of TVR use in Apartment Districts could decrease Real Property Tax, General Excise Tax, and Transient Accommodations Tax revenues collected by the County in the short term. Although the TIG recognized the benefits that Bill 9 could yield, the TIG unanimously recommended that the County create new H-3 and H-4 Hotel Districts permitting TVR uses outright to enable some of the existing Apartment District buildings to continue operating as TRVs. To effectuate this recommendation, the TIG identified specific properties to reclassify as H-3 and H-4 in the final report. Ultimately, the TIG identified 4,519 properties for which continuing TVR use may be appropriate.

B. Addtional Context and Community Response

Bill 9 remains a high-profile measure with widespread community support and attention from beneficiaries. Organizations such as Lahaina Strong and the Housing Back Hui have urged the Council to pass a clean bill without exemptions, emphasizing that Maui's limited housing inventory and infrastructure (especially water) cannot sustain continued tourism-oriented use in residential zones. Due to its potential effect on vacation units disproportionately owned by outside investors (85%),[3] the measure has attracted heavy spending by outside interest groups and anonymous LLCs to influence public opinion against the measure.

Because keeping additional apartment units within their originally intended use as residential housing units aligns with Mana i Mauli Ola Strategic Directions 5.1 and 5.2, staff recommends supporting this measure. Further, as stated in a study published by the Economic Research Organization at the University of Hawai'i (UHERO) in March 2025: "The policy could add up to 6,127 units to the long-term housing stock—a 13% increase, equivalent to a decade's worth of new housing development."[4]

IV. TIMEFRAME

The full council is expected to take up this measure sometime this month. While the recent untimely death of Council Member Tasha Kama may delay this measure, the community continues to advocate for immediate hearing by the full council. Therefore, staff recommends a vote as soon as possible

V. RECOMMENDATION

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[3] Carl Bonham et. al, *An Economic Analysis of the Proposal to Phase Out Transient Vacation Rentals in Maui County Apartment Districts*. University of Hawai'i Economic Research Organization. March 31, 2025. At P. 1, https://uhero.hawaii.edu/wp-content/uploads/2025/03/EconomicAnalysisOfProposalToPhaseOutTVRsMaui.pdf

[4] Carl Bonham et. al, *An Economic Analysis of the Proposal to Phase Out Transient Vacation Rentals in Maui County Apartment Districts*. University of Hawai'i Economic Research Organization. March 31, 2025. At P. 1, https://uhero.hawaii.edu/wp-content/uploads/2025/03/EconomicAnalysisOfProposalToPhaseOutTVRsMaui.pdf

Motion 1: Relating to OHA's Position on Maui County Bill 9 (2025)

Move to approve OHA's support for Maui County Bill 9 (2025) and authorize the Ka Pou Kihi and Ka Pou Nui to submit testimony urging passage of the bill.

VI. ALTERNATIVES

A. Amend the proposed position.

B. Take no action.

VII. ATTACHMENTS

A. Advocacy Written Testimony Supporting Maui County Bill 9 (2025)

Council of the County of Maui
Public Hearing
Kalana O Maui Building, Wailuku, Maui
[DATE]
[TIME]

Testimony in Support of HLU-4 Bill 9

"AMENDING CHAPTERS 19.12, 19.32, AND 19.37, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS IN APARTMENT DISTRICTS"

Aloha e Chair Lee a me Members of the Maui County Council. Mahalo for the opportunity to provide this testimony. **The Office of Hawaiian Affairs (OHA) supports Bill 9, with comments, and urges its passage in its current form without further carve-outs or exemptions.** Bill 9 is an essential measure to phase out transient vacation rental use in Apartment Districts and restore these zones to long-term residential purposes.

As acknowledged in the Temporary Investigative Group Report (October 14, 2025), Apartment Districts were originally intended to provide long-term residential housing near Maui's urban cores, yet over time many have been converted into de facto hotel corridors. Countless long-term units have been lost to transient use, pushing Native Hawaiian and local families deeper into overcrowding, displacement, and outmigration. Bill 9 is a necessary correction that protects Maui's remaining housing stock for residents and not for investors.

In the wake of the Lahaina wildfires, the urgency of this issue cannot be overstated. **With so many 'ohana still displaced and struggling to secure stable housing, it is simply untenable to allow homes in residential-zoned districts to continue operating as visitor accommodations.** Every lost unit is a missed opportunity for wildfire survivors to return to their communities.

Bill 9 is far narrower than short-term rental restrictions adopted in other jurisdictions. Cities such as New York[5] and Santa Monica[6] have implemented citywide bans on

[5] Mayor's Office of Special Enforcement. *Final Rules Governing Registration and Requirements for Short-Term Rentals*. City of New York. March 3, 2023. https://www.nyc.gov/assets/specialenforcement/downloads/pdfs/FINAL-RULES-GOVERNING-REGISTRATION-AND-REQUIREMENTS-FOR-SHORT-TERM-RENTALS.pdf

[6] City of Santa Monica Municipal Code § 6.20 (Home-Sharing and Vacation Rentals Ordinance), effective May 12, 2015; amended 2023. Available at https://ecode360.com/42735096

whole-home short-term rentals. In contrast, Bill 9 applies only to Apartment Districts, which are already designated for residential use. It does not eliminate all visitor accommodations, and it does not prohibit responsible home-sharing or rentals in other areas zoned for hotel or short-term vacation rentals.

Bill 9 also differs from O'ahu's duration-based short-term rental ordinance,[7] which attempted to regulate by length of stay and became mired in legal challenges. Maui's zoning-based approach is more precise, more enforceable, and grounded in traditional land-use authority that counties have long relied upon to regulate incompatible uses. By setting clear phase-out timelines and removing outdated exemptions, Bill 9 restores Apartment Districts to their intended purpose of housing rather than speculation. **This is not a ban on tourism. It is a rebalancing in districts that have been disproportionately converted into visitor accommodations to the detriment of residents.**

The Native Hawaiian community, which is disproportionately impacted by Maui's housing crisis,[8] cannot compete with off-island investment in an under-regulated transient rental market. Every unit that returns to long-term use is one more opportunity for a local family to stay on island, for a kūpuna to age in place, or for a wildfire-displaced 'ohana to return home. **To that end, OHA urges the County to adopt clear enforcement protocols, anti-displacement safeguards, and public reporting on how many units are actually restored to residential use. Accountability will be critical to ensure Bill 9 fulfills its intended purpose.**

At a time when outside interests are spending heavily to sway public opinion, OHA urges the Council to remain steadfast in upholding the will of Maui's residents. Bill 9 is not about restricting tourism. It is about protecting people. It is about safeguarding 'ohana who have already endured so much and who cannot withstand further displacement. **OHA supports passage of Bill 9 in its current form and urges the Council not to weaken it with further exemptions. With strong enforcement and no additional carve-outs, Bill 9 can meaningfully restore housing security for Maui's people and uphold the integrity of Maui's zoning laws.**

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[7] City & County of Honolulu, Ordinance No. 22-7. *An Ordinance Relating to Transient Accommodations.* April 26, 2022. https://www.honolulu.gov/dpp/permitting/str/

[8] Matt Jachowski and Marina Starleaf Riker. "Homes for Whom? It's Time to Act to Keep Hawai'i's Families Home." Ka Wai Ola. March 1, 2025. https://kawaiola.news/cover/homes-for-whom-its-time-to-act-to-keep-hawaiis-families-home/

Signature: Leina'ala Ley

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Signature:

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